



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



366819

REPLY TO THE ATTENTION OF:

JUL 10 2009

S-6J

Mr. Robin R. Lunn, Esq.
Winston & Strawn LLP
35 West Wacker Drive
Chicago, Illinois 60601

Re: Designation of South Dayton Dump and Landfill Potentially Responsible Party Group as Authorized Agents of the United States Environmental Protection Agency for the Purpose of Entry onto Property Owned or Controlled by Dayton Power & Light Company

Dear Mr. Lunn:

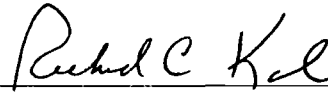
By this letter the U. S. Environmental Protection Agency designates the potentially responsible parties that have organized themselves as the South Dayton Dump and Landfill Potentially Responsible Party (PRP) Group and their officers, employees, agents, contractors, consultants, and representatives, as EPA's authorized representatives solely for purpose of entry onto property owned or controlled by the Dayton Power & Light Company at or in the vicinity of the Dayton Power & Light Company facility located at 1900 Dryden Road in Moraine, Ohio, across the street from the South Dayton Dump and Landfill Superfund Site (site), where such entry is needed to conduct activities related to a groundwater investigation to complete a remedial investigation and feasibility study (RI/FS) for the site. These activities include drilling, vertical aquifer sampling and the installation, maintenance and use of permanent and existing groundwater monitoring wells at the property, and any other investigative efforts that may be needed to complete the RI/FS pursuant to the Administrative Settlement Agreement and Order on Consent (ASAOC), CERCLA Docket Number V-W-'06-C-852, dated August 10, 2006.

EPA is authorized to designate the South Dayton Dump and Landfill PRP Group and its members, officers, employees, agents, contractors, consultants, and representatives as EPA's authorized representatives pursuant to section 104(e)(1) and (3) of the Comprehensive Environmental Response, Compensation, and Liability Act as amended (CERCLA), 42 U.S.C. § 9604 (e)(1) and (3), and the National Contingency Plan, 40 C.F.R. Section 300.400(d)(3). The authority granted to the President in Section 104(e) of CERCLA was delegated to EPA in Executive Order 12580, issued January 23, 1987, and re-delegated to the Regional Administrators by EPA Delegation No. 14-6 on September 13, 1987, and further delegated to the Director of the Superfund Division, Region 5. EPA, by Regional Delegation 14-6.

This letter additionally reaffirms the obligations of the PRPs who constitute the South Dayton Dump and Landfill PRP Group under the ASAOC for the South Dayton Dump and Landfill Site, CERCLA Docket Number V-W-'06-C-852, dated August 10, 2006, to pay the expenses incurred by the United States in obtaining access on their behalf, and to indemnify, save, and hold harmless the United States for any and all claims or causes of action arising from or on account of acts or omissions of the PRPs organized as the South Dayton Dump and Landfill PRP Group or their officers, employees, agents, contractors, subcontractors, and any persons acting on their behalf or under their control, in carrying out activities pursuant to the ASAOC.

Please acknowledge your receipt and agreement with the contents of this letter by signing where indicated below and returning this letter to Thomas C. Nash, Associate Regional Counsel, mail code C-14J, Office of Regional Counsel, United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard C. Karl", is written over a horizontal line.

Richard C. Karl, Director
Superfund Division

Position:
South Dayton Dump PRP Group